

REMARKS

Request for Reconsideration, Claims Pending

The applications stands subject to a non-final Office action mailed on 23 June 2008. Reconsideration of the claimed invention in view of the amendments above and the discussion below is respectfully requested.

Claims 1-2, 4-5, 8-11 and 13-17 are pending.

Arguments re: Metz & Levitan

Rejection Summary

Claims 1 and 8 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,978,855 (Metz) in view of U.S. Patent No. 6,965,913 (Levitan).

The Examiner concedes that the combination of Metz fails to disclose "... dynamically adjusting the plurality of different common software content multiplexed on the shared communication channel."

Discussion of Claim 1

Regarding Claim 1, Metz and Levitan fail to suggest a

... radio communication network software downloading method, comprising:

communicating terminal unique information for downloading common software content from the network to a plurality of terminals

in the network on corresponding dedicated communication channels for each terminal;

 sending a message to the plurality of terminals on corresponding dedicated communication channels to receive the common software content on a shared channel;

 transmitting the common software content from the network to the plurality of terminals on the shared communication channel after sending the message;

 multiplexing a plurality of different common software content on the shared communication channel, dynamically adjusting the plurality of different common software content multiplexed on the shared communication channel in proportion to a changing number of the plurality of terminals receiving the plurality of different common software content.

The Examiner's reliance on Levitan to meet the admitted deficiencies of Metz is erroneous. At col. 7, lines 8-28, Levitan discusses continuing the transmission of an unscheduled file for a number of days proportional to the number of users requesting the file. In other words, Levitan adjusts the time duration over which a file is transmitted based on the number of users requesting the file. Controlling the duration for which a file is transmitted, as in Levitan, suggests nothing about "... dynamically adjusting the plurality of different common software content multiplexed on the shared communication channel in proportion to a changing number of the plurality of terminals receiving the plurality of different common software content." Claim 1 is thus patentably distinguished over Metz and Levitan.

Discussion of Claim 8

Regarding Claim 8, Metz and Levitan fail to disclose in combination with Claim 1 "... dynamically adjusting the plurality of different common software content based on a priority factor." Levitan changes the

transmission duration based on the number of clients requesting the file.
Claim 8 is thus further patentably distinguished over the art.

Arguments re: Tanaka & Levitan

Rejection Summary

Claims 9-11 and 15 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,671,509 (Tanaka) and Levitan.

The Examiner admits that Tanaka fails to disclose software content comprising a plurality of files, and dynamically adjusting the software content multiplexed on the shared communication channel by adjusting a number of times each of the plurality of files is transmitted.

Discussion of Claim 9

Regarding Claim 9, Tanaka, Yong and Levitan fail to disclose or suggest a

... radio communication network software downloading method, comprising:

transmitting software content from a radio communication network to a plurality of terminals in the network by multiplexing the software content on a shared communication channel received by the plurality of terminals,

the software content comprises a plurality of software files;

dynamically adjusting the software content multiplexed on the shared communication channel by adjusting a number of times each of the plurality of software files is transmitted.

Tanaka generally discloses a mobile communication unit that may be configured to operate according to different types of communication

principles, e.g., PHS, PDC, LAN, etc, using system software received from a base station. The Examiner's references to various passages of Tanaka do not support the asserted rejection. At col. 3, lines 47-51, Tanaka discusses a base station that includes a system software supply means for successively and repeatedly transmitting the system software via a radio link. At col. 4, lines 48-58, Tanaka discusses a base station that transmits system software to a mobile unit over broadcast and control channels corresponding to different modes of operation of the base station. Here, Tanaka multiplexes the transmission of the software over different channels (corresponding to the different modes of operation of the base station). At col. 8, lines 11-61, Tanaka discusses a unidirectional broadcast channel and a traffic channel used to transfer user information between the base station and mobile station. At col. 12, lines 14-28, Tanaka discusses a common access channel (having a frequency associated with a corresponding zone) shared by multiple mobile stations wherein the common control channel includes a BCCH, a CCCH and a UPCH.

At col. 3, lines 27-34, Levitan discusses transmitting files over a time period that is proportional to the number of clients requesting the file. At col. 7, lines 8-28, Levitan discusses continuing the transmission of an unscheduled file for a number of days based on the number of users requesting the file. In other words, Levitan adjusts the transmission duration of files based on the number of users requesting the file. Controlling the duration for which a file is transmitted, as in Levitan, suggests nothing about "...dynamically adjusting the software content multiplexed on the shared communication channel...." Claim 9 is thus patentably distinguished over the art.

RIORDAN ET AL.
"Software Content Downloading Methods
in radio Communication Networks"
Atty. Docket No. CS11457

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Confirm. No. 4745
Examiner G. Duong
Art Unit 2155

Prayer For Relief

In view of the amendments and the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,

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